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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,344

11/21/2003

William A. Taylor

3290-11

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7590
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09/20/2007

EXAMINER

THOMAS, ERIC M

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,344

Applicant(s)

TAYLOR, WILLIAM A.

Examiner

Eric M. Thomas

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/5/07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to the amendments filed on 7/5/07, claims 1 – 27 are pending in the current application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 21, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,146,273) in view of Glavich (U.S. 2002/0045475) and in further view of Kaminkow et al. (U.S. 2003/0203752).

Regarding claims 1 – 6, 8 -11, 16, 17, 20 Olsen discloses a method of playing a gaming machine that includes initiating a variable period of play for operating a game on a gaming machine, (col. 10, lines 24 – 24), displays a plurality of parameters, which is related to the gaming device (col. 24, lines 46-62). The player interacts with the gaming machine from the data selected by the player (col. 5, lines 34-45). The outcome of the gaming machine is determined based on data provided in a storage means of the gaming machine in which these results are displayed periodically (col. 5, lines 18 – 22, col. 6, lines 31 – 39), and a successive period of play based on the outcome of the

game (col. 2, lines 39 – 48, col. 6, lines 56 – 58, col. 8, lines 48 – 53) and initiating a secondary game wherein at least one special symbol dictates an aspect of the secondary game (col. 25, lines 32 – 44). The claimed invention discloses sports' and mining theme in which there are special symbols of sports related items. Olsen, however, provides a method of playing a gaming machine that includes a Hollywood theme, (col. 24, lines 46 – 53), but is silent on the issue of displaying game termination symbols. In a related art, however, Glavich provides a method of playing a gaming machine that discloses game terminating symbols (par. 0045), but is silent on the issue of displaying game extension symbols. In a related art, however, Kaminkow provides a method of playing a gaming machine that discloses game extension symbols (par. 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the game terminating and extension symbols into the art disclosed by Olsen in order to randomly determine the outcome of playing a gaming machine.

Regarding claim 7, Olsen provides a method of playing a gaming machine that discloses a simulation that is related to the said game (col. 27, lines 19 – 20).

Regarding claims 12 - 14, and 18 Olsen provides a method of playing a gaming machine, but is silent on the issue of displaying game extension symbols. In a related art, however, Kaminkow provides a method of playing a gaming machine that discloses game extension symbols that appear randomly which, gives the player additional opportunities to obtain a winning combination in a game (abstract and par. 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to include game extension symbols into the art disclosed by Olsen in order to provide extra excitement to the game play of a gaming machine.

Regarding claim 15, Olsen provides a method of playing a gaming machine, wherein the predetermined game is a slot machine that provides winning opportunities within a number of reel spins when a period of play is initiated (col. 5, lines 7 – 15).

Regarding claims 19 and 21, Olsen provides a method of playing a gaming machine wherein special symbols are displayed based on the game play of the player that effects the granting of additional number of game plays (col. 25, lines 36 – 43).

Regarding claim 27, Olsen discloses a method of the game machine that discloses an event within the game that includes either a player interaction like or addition of money or credit towards the game (col. 29, lines 58 – 64).

Claims 22 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,146,273) in view of Slomiany (U.S. 6,612,927).

Regarding claims 22 – 26, Olsen discloses a method of playing a game machine in which determining the outcome of a game playing situation is classified as a win or loss in which the player loses a predetermined game if a loss occurs (col. 9, lines 64 – 67). It also includes a pay table, which dictates the player's reward for outcome of a win, along with the player's wager, which alters the pay table randomly. The payout amount is selectively increased based on the outcome of a win, or decreased based on the outcome of a loss (col. 17, Table I, and lines 28 – 46, col. 27, lines 37 - 46), but is silent on the issue of altering the pay-table between plays. In a related art, however, Slomiany

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provides a method of playing a gaming machine that alters the pay-table randomly and is affected by an event that occurs in the game (col. 45, lines 11 – 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the teachings of Slomiany in the art disclosed by Olsen in order to alter the pay-table of a gaming machine depending on the outcome of a win or loss.

Response to Arguments


Applicant's arguments with respect to claim 1 - 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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SUPERVISORY PRIMARY EXAMINER